

REMARKS

Claims 1-5 and 7-37 are currently pending in the present application.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-4, 7-16, 18-22, 24-33 and 35-37 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,796,082 to Ostermann *et al.* (“Ostermann”) in view of U.S. Patent Number 7,174, 560 to Crinon (“Crinon”). Applicant respectfully traverses the rejection for at least the following reasons.

As noted in a prior response, embodiments of the present invention relate to streaming content in a multimedia messaging service (MMS), such as in a mobile MMS. In accordance with embodiments of the present invention, a network entity, such as a server, receives a multimedia message that contains a video and/or audio component that is formatted according to a video and/or audio media format, respectively. Accordingly, embodiments of the present invention relate to multimedia messages which may contain both streamable and non-streamable content. For example, reference may be made to the originally filed specification at paragraphs [0059], [0061], [0091] and [0109].

Once the message is received, the server forwards some components as message components and replaces other components with a descriptor, which allows for the user agent (UA) to initiate a streaming session after retrieving that media component. In accordance with embodiments of the present invention, the user agent may utilize a link, or a pointer, to obtain session description data (SDD). Accordingly, independent claim 1 recites “obtaining session description data using the pointer and the initiating of the streaming session comprising the sub-step of using the session description data to initiate the streaming session.” Independent claims 9, 19, 26, 28, 36 and 37 each recite a similar feature.

As noted previously by Applicant, Ostermann fails to teach or suggest at least this feature of the pending claims. Ostermann relates to a person-to-person messaging system, which produces an animated head with simulated lip movements to the voice of a speaker. This messaging process of Ostermann includes sending a user agent a primary electronic mail

(e-mail) or instant message that contains a link to a multimedia message (MM), which is contained on the server. See Ostermann, col. 10, lines 64-66. After the link is followed, the server sends the necessary parameters (e.g., text), to the client software that is responsible for performing the animated presentation. When no software is available or it is disabled, the server then generates an animated video, which is sent to the recipient through use of ordinary video streaming software (e.g., RealPlayer). See Col. 7 Line 63 - Col. 8, Line 3. Thus, regardless of whether client software or a media player is utilized, when the message is transmitted to the recipient, there is no establishment of a streaming session by sending a descriptor containing information, or session description data (SDD), in order to begin streaming.

In the pending Office Action dated August 20, 2008, the Examiner fails to cite any other portions of Ostermann as disclosing this feature. Thus, Ostermann fails to teach or suggest the use of a pointer to obtain any session description data.

Further, embodiments of the present invention include multimedia messages which contain both streamable and non-streamable content. For example, reference may be made to the originally filed specification at paragraphs [0059], [0061], [0091] and [0109]. Accordingly, independent claim 1 has been amended to recite that the user agent separates “a non-streamable media component from the multimedia message transmission.” Independent claims 9, 19, 26, 28, 36 and 37, as amended, each recite a similar feature.

The cited references fail to teach or suggest this feature of the pending claims. As noted above, the messaging process of Ostermann includes sending a user agent a primary e-mail or instant message that contains a link to a MM. Once the user agent clicks on the link, the process branches. In one branch, the MM is delivered utilizing client software. In the other branch, the MM is streamed from the server using a generic rendering software device, like a video player. Thus, there are two transmission types in accordance with the disclosure of Ostermann, the email/instant message with the link to the MM and the actual MM which utilizes dedicated or generic rendering software.

As acknowledged by the Examiner, there is no disclosure in Ostermann of separation of a non-streamable media component from the MM transmission, only separation of the link

to the MM. Instead, the Office Action cites Crinon as disclosing this feature of the pending claims.

Crinon relates to a method for correctly timing and providing event production (television program) generated at a digital receiver in a digital television system. Specifically, Crinon discloses the reception of separated signal parts (i.e., audio, data, video) and the later synchronization of those elements at the receiver, based on original application times and reconstructed application times assigned to the signal parts on a timeline.

Crinon fails to teach or suggest the separation of streamable and non-streamable data in a multimedia message transmission, as is recited in the pending claims. The timing information data, provided by the sampled application time disclosed in Crinon, differs from both the streamable and non-streamable content in the present invention. Further, the disclosure in Crinon of the separate data stream and synchronized data stream cited by the Examiner relate to the server before being sent to the receiver. In accordance with the disclosure of Crinon, the receiver does not perform any separation of multimedia streams. Further, the timing information data of Crinon, which is separated from the ancillary data, is also non-streamable data. Accordingly, neither the timing data nor the ancillary data constitute streamable content, as recited in the pending claims. Accordingly, Crinon also fails to cure the above-noted deficiency of Ostermann.

Since the cited references, either alone or in combination, fail to teach or suggest each feature of the pending claims, the Office Action fails to establish a prima facie case of obviousness. Therefore, independent claims 1, 9, 19, 26, 28, 36 and 37 are patentable. Claims 2-4, 7-8, 10-16, 18, 20-22, 24-25, 27, 29-33 and 35 each depend, either directly or indirectly, from one of independent claims 1, 9, 19, 26, 28, 36 or 37 and are, therefore, patentable for at least that reason, as well as for other patentable features when those claims are considered as a whole.

Further, the Examiner rejected claims 5, 17, 23 and 34 under 35 U.S.C. 103 (a) as being unpatentable over Ostermann in view of Crinon and further in view of U.S. Publication No. 20020027562 to Kimble (“Kimble”). Claims 5, 17, 23 and 34 each depend

from one of allowable claims 1, 9, 19 or 28 and are, therefore, patentable for at least that reason, as well as for other patentable features when those claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: November 20, 2008

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